



TW 2818

PTO/SB/21 (08-00)

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/988,389
	Filing Date	November 19, 2001
	First Named Inventor	Ritsuko KAWASAKI et al.
	Group Art Unit	2818
	Examiner Name	D. Vu
Total Number of Pages in This Submission	Attorney Docket Number	0756-2393

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosures 1. 2. 3. 4. 5. 6.
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 50-2280 for the above identified docket number.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Eric J. Robinson, Reg. No. 38,285 Robinson Intellectual Property Law Office, P.C. PMB 955 21010 Southbank Street Potomac Falls, VA 20165
Signature	
Date	July 15, 2005

### CERTIFICATE OF MAILING

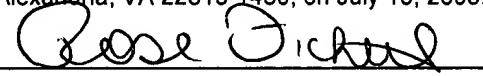
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Attorney Docket No. 0756-2393

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)	Group Art Unit: 2818
Ritsuko KAWASAKI et al.	)	Examiner: D. Vu
Serial No. 09/988,389	)	<u>CERTIFICATE OF MAILING</u>
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**RESPONSE**

Honorable Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Official Action mailed April 19, 2005, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on November 19, 2001, and July 23, 2003.

Claims 1-102 are pending in the present application, of which claims 1-6 and 49-54 are independent. Claims 19-24, 31-42, 61-66, 73-84 and 97-102 have been withdrawn from consideration by the Examiner (page 2, Paper No. 20050416). Accordingly, claims 1-18, 25-30, 43-60, 67-72 and 85-96 are currently elected, of which claims 1-6 and 49-54 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 1-18, 25-30, 43-60, 67-72 and 85-96 as anticipated by U.S. Patent No. 6,410,368 to Kawasaki et al. Paragraph 3 of

the Official Action rejects claims 1-18, 43-60 and 85-96 as anticipated by U.S. Patent No. 6,599,788 to Kawasaki et al. Paragraph 4 of the Official Action rejects claims 1-6, 13-18, 25-30, 43-60, 67-72 and 85-90 as anticipated by U.S. Patent No. 6,744,008 to Kasahara et al. The Applicants respectfully traverse the rejection because the Official Action has not established an anticipation rejection.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicants respectfully submit that an anticipation rejection cannot be maintained against the independent claims of the present application. Independent claims 1-6 recite that a second laser beam is a part of a first laser beam which has penetrated a member to be irradiated and a substrate and is reflected by a reflecting member. Similarly, independent claims 49-54 recite that a second laser beam is a part of a first laser beam which has penetrated a semiconductor film and a substrate and is reflected by a reflecting member.

The Official Action relies on Figure 1 of Kawasaki '368 (column 4, lines 41-57), Figures 1 and 4 of Kawasaki '788 (column 4, lines 30-43 and column 5, lines 43-67) and Figure 5 of Kasahara (column 3, lines 40-47 and column 10, lines 4-16) to allegedly teach the above-referenced features of the present invention. It is noted that Figure 1 of Kawasaki '368 is identical to Figure 1 of Kawasaki '788 and that Figure 4 of Kawasaki '788 is substantially similar to Figure 5 of Kasahara.

Although Figure 1 of Kawasaki '368 appears to teach that second laser beam component 1008 is a part of first laser beam component 1007, first laser beam component 1007 has not penetrated island-like semiconductor layer 1004 and substrate 1001 (column 4, lines 41-57). Similarly, although Figure 1 of Kawasaki '788 appears to teach that second laser beam component 1007 is a part of first laser beam component

1006, first laser beam component 1006 has not penetrated island-like semiconductor layer 1003 and substrate 1001 (column 4, lines 30-43).

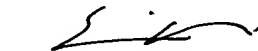
Although Figure 4 of Kawasaki '788 appears to teach that a second laser beam is a part of a first laser beam, the first laser beam has not penetrated semiconductor layer 420 and base film 419 (column 5, lines 43-67). Similarly, although Figure 5 of Kasahara appears to teach that second laser beam 508 is a part of first laser beam 507, first laser beam 507 has not penetrated amorphous semiconductor film 403b and substrate 403a (column 10, lines 4-16).

Therefore, Kawasaki '368, Kawasaki '788 or Kasahara does not teach that a second laser beam is a part of a first laser beam which has penetrated a member to be irradiated (or a semiconductor film) and a substrate and is reflected by a reflecting member, either explicitly or inherently.

Since Kawasaki '368, Kawasaki '788 or Kasahara does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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